

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1892 be amended to read as follows:

1 Page 32, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 31. IC 35-50-2-8.5 IS AMENDED TO READ AS
3 FOLLOWS: Sec. 8.5. (a) **Except as provided in subsection (e)**, the
4 state may seek to have a person sentenced to life imprisonment without
5 parole for any felony described in section 2(b)(4) of this chapter, by
6 alleging, on a page separate from the rest of the charging instrument,
7 that the person has accumulated two (2) prior unrelated felony
8 convictions described in section 2(b)(4) of this chapter.
9 (b) If the person was convicted of the felony in a jury trial, the jury
10 shall reconvene to hear evidence on the life imprisonment without
11 parole allegation. If the person was convicted of the felony by trial to
12 the court without a jury or if the judgment was entered to guilty plea,
13 the court alone shall hear evidence on the life imprisonment without
14 parole allegation.
15 (c) **Except as provided in subsection (e)**, a person is subject to life
16 imprisonment without parole if the jury (in a case tried by a jury) or the
17 court (in a case tried by the court or on a judgment entered on a guilty
18 plea) finds that the state has proved beyond a reasonable doubt that the
19 person has accumulated two (2) prior unrelated convictions for
20 offenses described in section 2(b)(4) of this chapter.
21 (d) The court may sentence a person found to be subject to life
22 imprisonment without parole under this section to life imprisonment
23 without parole.

24 **(e) Subsections (a) and (c) do not apply to offenses described in**
25 **IC 35-50-2-2(b)(4)(O) and IC 35-50-2-2(b)(4)(P)."**
26 Renumber all SECTIONS consecutively.

1 (Reference is to EHB 1892 as printed March 16, 2001.)

Senator KENLEY